

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ERIC RICHARDS,

Plaintiff,

vs.

BRACEBRIDGE CAPITAL LLC,
JAMES DIBIASE, and NANCY
ZIMMERMAN,

Defendants.

Civil Action No. 05-10002-RCL

DEFENDANTS' PARTIAL MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(6), defendants respectfully move to dismiss all counts of the Complaint to the extent that they assert claims against defendant Nancy Zimmerman. Defendants also move to dismiss all counts of the Complaint to the extent that they assert claims against defendant James DiBiase under the Americans With Disabilities Act. The grounds for this motion are more fully set forth in the accompanying memorandum of law.

Respectfully submitted,

BRACEBRIDGE CAPITAL LLC
JAMES DIBIASE
NANCY ZIMMERMAN

By their attorneys,

/s/Mark W. Batten
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Dated: March 4, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record through the Court's electronic filing system and by first-class mail, postage prepaid, this 4th day of March, 2005.

/s/Mark W. Batten
Mark W. Batten